

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00339-MR-DLH**

RITA KOTSIAS, )  
                    )  
Plaintiff,       )  
                    )  
vs.                )       **O R D E R**  
                    )  
LAVIE CARE CENTERS, LLC, d/b/a   )  
CONSULATE HEALTH CARE, et al.,   )  
                    )  
Defendants.       )  
                    )

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**THIS MATTER** is before the Court on the Defendants' Motions to Dismiss [Docs. 15, 17, 22]; the Magistrate Judge's Memorandum and Recommendation [Doc. 28] regarding the disposition of those motions; and the *pro se* Plaintiff's Objections to the Memorandum and Recommendation [Doc. 30].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendants' motions and to submit a recommendation for their disposition.

On August 28, 2017, the Magistrate Judge filed an Order and Memorandum and Recommendation in this case. [Doc. 28]. In the Order, the Magistrate Judge denied in part the motion to dismiss [Doc. 15] filed by the Consulate Defendants<sup>1</sup> with respect to the Plaintiff's ADA retaliation claims, with leave to renew such motion. [Doc. 28 at 9]. In the Memorandum and Recommendation, the Magistrate Judge set forth conclusions of law in support of a recommendation regarding the dismissal of the Plaintiff's other claims for retaliation and civil conspiracy. [See id.]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed her Objections on September 13, 2017.<sup>2</sup> [Doc. 30].

In her Objections, the Plaintiff asserts that the Defendants have engaged in various "crimes" [Doc. 30 at 4], "felonies" [id. at 10], "obstruction of justice" [id. at 11]; and "fraud upon the court" [id. at 11, 12], allegations she has made repeatedly throughout the course of litigating her claims before

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<sup>1</sup> These Defendants include La Vie Care Centers, LLC; Consulate Management Company, LLC; CMC II, LLC; Salus Rehabilitation, LLC; Florida Health Care Properties, LLC; Centennial Health Care Holding Company, LLC; Emerald Ridge Healthcare, LLC; and Oaks at Sweeten Creek Healthcare, LLC.

<sup>2</sup> The Plaintiff has not filed any objection to any part of the Magistrate Judge's Order. [See Doc. 30].

this Court. Additionally, the Plaintiff accuses this Court of “assault[ing]” [Doc. 30 at 2] and “railroad[ing]” the Plaintiff [id. at 3]; of “whitewashing” the Defendants’ alleged misconduct [id. at 10]; and of “cavalierly defend[ing] Defendants, backed by jewish organized crime, Clintons and Greenbergs and very possibly [George] Soros” [id. at 3]. In so doing, the Plaintiff continues to make defamatory accusations against the Defendants, their attorneys, and this Court without presentation of any support. The Court will not address these inflammatory and unsupported allegations any further.

To the extent that the Plaintiff has presented cogent objections to the Magistrate Judge’s recommendations, the Court has carefully reviewed the Memorandum and Recommendation in light of such objections and finds that the Magistrate Judge’s proposed conclusions of law are correct and consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff’s Objections and accepts the Magistrate Judge’s recommendation that the motions to dismiss be granted in part and denied in part.

**IT IS, THEREFORE, ORDERED** that the Plaintiff’s Objections to the Memorandum and Recommendation [Doc. 30] are **OVERRULED**; the Memorandum and Recommendation [Doc. 28] is **ACCEPTED**; and the

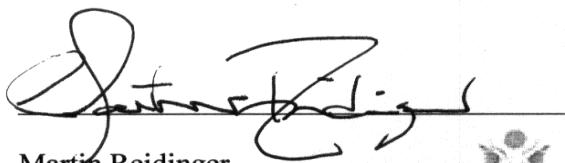
Defendants' Motions to Dismiss [Docs. 15, 17, 22] are **GRANTED IN PART** and **DENIED IN PART** as follows:

(1) All of the claims asserted by the Plaintiff against Defendants ESIS, INA, Ace Group, Work Comp Strategic Solutions, Inc., and Kelly Ongie are **DISMISSED WITH PREJUDICE**.

(2) The Plaintiff's civil conspiracy claims against Defendants La Vie Care Centers, LLC; Consulate Management Company, LLC; CMC II, LLC; Salus Rehabilitation, LLC; Florida Health Care Properties, LLC; Centennial Health Care Holding Company, LLC; Emerald Ridge Healthcare, LLC; and Oaks at Sweeten Creek Healthcare, LLC ("the Consulate Defendants") are hereby **DISMISSED WITH PREJUDICE**. As previously ordered by the Magistrate Judge [Doc. 28], the Consulate Defendants' Motion to Dismiss [Doc. 15] is **DENIED IN PART WITHOUT PREJUDICE** with leave to renew as to the Plaintiff's ADA retaliation claims.

**IT IS SO ORDERED.**

Signed: September 29, 2017



Martin Reidinger  
United States District Judge

